

### **REMARKS**

Claims 1-39 remain in the application for consideration. Applicant amends independent Claims 1, 22, and 37 to further clarify features of the subject matter. The original specification and drawings support these claim amendments at least at pages 5, 15, 16, 18, 19, and in Figure 5. Therefore, these revisions introduce no new matter.

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

#### **Statement of Substance of Interview**

Applicant appreciates the Examiner's participation in a telephonic conference of October 18, 2007. Applicant wishes to thank the Examiner for his time and consideration.

During the interview, the claimed subject matter of the application and the Pelley reference were discussed. In particular, Applicant presented arguments along the lines of those set forth below in the section entitled "Claim Rejections 35 U.S.C. §102".

Applicant appreciates the Examiner suggesting claim language to overcome the outstanding §101 rejections. Also discussed during the interview were proposed amendments to the independent claims. In the interest of expediting prosecution of the application, and without conceding the propriety of the rejection, Applicant proposes to amend the independent claims to further clarify features of Applicant's claimed subject matter.

Applicant amends the independent claims. Applicant submits that all of the pending claims are in condition for allowance.

**Non-Statutory Double Patenting**

Claims 1-39 are rejected on the grounds of non-statutory double patenting over claims 1-32 of U.S. Patent No. 6,768,499 (hereinafter "'499 patent"). The Office states the conflicting claims are not patentably distinct from each other because the broaden scopes of the pending claims are read by the patented claims.

Applicant respectfully traverses the rejection over the '499 patent, which is commonly assigned with this application. Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends the independent claims to recite a feature, "scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter". Furthermore, Applicant amends independent Claims 1 and 22 to recite the feature, "reducing filter graph complexity, wherein computational and memory resources are reduced". As the '499 patent does not disclose these features, the amended independent Claims 1, 22, and 37 are patentably distinct from the '499 patent. Thus, this rejection is now moot. Applicant respectfully requests that the double patenting rejection be withdrawn.

**Claim Rejections 35 U.S.C. §101**

Claims 37-39 stand rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter.

Applicant amends **independent Claim 37** to clarify further features of the subject matter, based on the Examiner's suggestions. Claim 37 recites in part, "a data structure embodied on a computer-readable storage medium executable on a computing device, the data structure comprising". This sets forth statutory subject matter.

**Dependent claim 39** hence benefits from the same arguments. The Examiner said amending claim 37 should be sufficient to overcome the §101 rejection for claim 39.

**Dependent claim 38** depends from claim 1 and thus is depending from a statutory subject matter base claim. Applicant respectfully requests that the §101 rejection of Claims 37-39 be withdrawn.

**Claim Rejections under 35 U.S.C. §102**

Claims 37 and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,194,952 to Pelley. Applicant respectfully traverses this rejection.

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 37**, to clarify further features of the subject matter. Amended Claim 37 now recites:

A data structure embodied on a computer-readable storage medium executable on a computing device, the data structure comprising:

one or more portions associated with at least one track of a multi-media editing project, individual tracks being associated with one or more data stream sources; and

one or more portions associated with a composite, the composite comprising at least one track, said data structure being configured for use in programming a software-implemented matrix switch which is configured to provide a data stream defined by the multi-media editing project, the matrix switch being configured to route a scalable number of inputs to a scalable number of outputs;

**wherein the matrix switch being configured to support implementation of a cascaded architecture utilizing feedback paths;**

**wherein the data structure comprises a programming grid to couple one or more of a scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter.**

Applicant respectfully submits that no computer-readable storage medium is disclosed by Pelley.

**Reference Fails to Disclose Cascaded Architecture, Programming Grid, Scalable**

Pelley is directed to a “software-implemented matrix” that is implemented in hardware as a chassis. (Pelley, column 3, lines 52-55, column 21, lines 60-64, and Fig. 22). In Pelley, the number of inputs and the number of outputs for the hardware-implemented matrix are fixed and non-scalable – with the number of inputs being 53 and the number of outputs being 32 (Pelley, column 5, lines 25-28). Hence, the evidence no longer supports the rejection for the amended claim.

Applicant’s amended Claim 37 recites in part, “the matrix switch being configured to support implementation of a cascaded architecture utilizing feedback paths; wherein the data structure comprises a programming grid to couple one or more of a scalable plurality of input pins to a scalable plurality of output pins of the matrix switch filter”. These are not similar features. Consequently, Applicant respectfully submits that Claim 37 is not anticipated by Pelley and requests that the §102 rejection be withdrawn.

**Dependent Claims 38 and 39** depend directly from independent Claim 37, and thus are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in Claim 37, are not disclosed by Pelley.

Thus, Applicant respectfully submits that as each and every feature is not disclosed, the claims are not anticipated by Pelley. Applicant respectfully requests that the §102 rejection be withdrawn.

**Claim Rejections under 35 U.S.C. § 103**

**A. Claims 1-21 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication 2002/0023103 to Gagne in view of Pelley.**

**B. Claims 22-36 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication 2002/0023103 to Gagne in view of Pelley and further in view of U.S. Patent No. 6,266,053 to French. Applicant respectfully traverses the rejection.**

Without conceding the propriety of the stated rejections, and only to advance the prosecution of this application, Applicant amends **independent Claim 1**, to clarify further features of the subject matter.

**Independent Claim 1** recites a multi-media processing method comprising:

- providing multiple tracks each of which being capable of being associated with one or more digital data streams;
- representing the multiple tracks as a single track;
- processing the digital data associated with the single track using a programmable software-implemented matrix switch in which multiple inputs can be routed to multiple outputs, the quantity of multiple inputs and the quantity of multiple outputs being scalable;
- coupling one or more of a scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter; and**
- reducing filter graph complexity, wherein computational and memory resources are reduced.**

Applicant respectfully submits that no such method for multi-media processing is taught or suggested by Gagne and/or Pelley.

Gagne and Pelley Fail to Teach or Suggest Coupling Scalable Pins, Reducing Filter Graph

First, Applicant asserts the evidence now fails to help establish a *prima facie* case of obviousness. Gagne is directed to a system and method of accessing and manipulating time-based data allows data of at least two diverse types to be arranged with respect to a common internal time line of a meta-clip as a single clip (Abstract). Gagne discusses accessing and manipulating diverse types of time-based data of at least two different data types ([0004], [0005]).

Gagne fails to teach or suggest “coupling one or more of a scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter; and reducing filter graph complexity, wherein computational and memory resources are reduced”, as recited in Applicant’s amended Claim 1.

Second, Pelley fails to compensate for the deficiencies of Gagne. Pelley is directed towards implementation of the programmable software implemented matrix switch 18 (col. 21, line 53 to col. 22, line 24) in which multiple inputs can be routed to multiple outputs (col. 21, lines 39-52, Fig. 3) (Action, pg. 5). While there is mention of matrix switch, multiple inputs and outputs in Pelley, there is no mention of “coupling one or more of a scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter; and reducing filter graph complexity, wherein computational and memory resources are reduced”, as recited in Applicant’s amended Claim 1. Thus, Pelley does not provide what is missing from Gagne to now support a §103 rejection.

Gagne and Pelley, alone or in combination, do not teach or suggest “coupling one or more of a scalable plurality of input pins to a scalable plurality of output pins of a matrix switch filter; and reducing filter graph complexity, wherein computational and memory resources are

reduced", as recited in Applicant's amended Claim 1. Accordingly, Applicant submits that the evidence relied upon by the Office no longer supports the rejections made under §103.

**Independent claim 22** is directed to a method, and is allowable for reasons similar to those discussed above with respect to claim 1.

**Dependent claims 2-21 and 23-36** depend directly or indirectly from one of independent claims 1 and 22, respectively, and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features that, in combination with those recited in claim 1, are not taught, or suggested by Gagne or Pelley.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

### Conclusion


Claims 1-39 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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